

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON,

Plaintiff,

1:15-cv-05520-NLH-AMD

v.

MEMORANDUM OPINION & ORDER

OFFICER MONDELLI, et al.,

Defendants.

Appearances:

JOHN E. REARDON
1 JOANS LANE
BERLIN, NJ 08009
Appearing pro se

DEAN R. WITTMAN
MATTHEW B. WIELICZKO
MICHAEL J. HUNTOWSKI
ZELLER & WIELICZKO LLP
120 Haddontowne Court
CHERRY HILL, NJ 08034
On behalf of the officer defendants

BENJAMIN HENRY ZIEMAN
STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW & PUBLIC SAFETY
25 MARKET STREET
P.O. BOX 116
TRENTON, NJ 08625
On behalf of the judicial defendants

HILLMAN, District Judge

This matter has come before the Court on Plaintiff's motion
for recusal [62]; and

Plaintiff requests this Court's recusal in this matter

because the Court has deliberately denied his request for default judgment against the defendants; and

On April 28, 2016 and October 5, 2016, the Court denied Plaintiff's motions for default judgment because he had not demonstrated that he had properly served the defendants or obtained a Clerk's entry of default, see Docket No. 47, 60; Fed. R. Civ. P. 4(e)(1); Fed. R. Civ. P. 55; and

To date, Plaintiff has not established proper service of the defendants, and he has not obtained a Clerk's entry of default as to any defendant, which precludes this Court from considering an application by Plaintiff for default judgment; and

Under 28 U.S.C. § 455(a), "any justice, judge or magistrate [judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned," and this section requires judicial recusal "if a reasonable person, knowing all the circumstances, would expect that the judge would have actual knowledge" of his interest or bias in a case, Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 860 (1988); In re Kensington Intern. Ltd., 368 F.3d 289, 301 (3d Cir. 2004); and

The Court finding that Plaintiff's basis for recusal has no merit;

Therefore,

IT IS on this 25th day of April, 2017

ORDERED that Plaintiff's motion for recusal [62] be, the same hereby is, DENIED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.